

PERALTA COMMUNITY COLLEGE DISTRICT  
**Board of Trustees Agenda Report**  
**For the Trustee Meeting Date of December 15, 2009**

ITEM # 26

**ITEM TITLE:**

Consider Approval of Resolution 09/10-31, Acceptance and Retention, Ratification of Change Order No. 1, Tennis Courts Renovation at College of Alameda, Dryco Construction, Inc.

**SPECIFIC BOARD ACTION REQUESTED:**

Approval of Resolution 09/10-31, Acceptance and Retention, and Ratification of Change Order No. 1, in the amount of \$665, to the contract with Dryco Construction, Inc. for the Tennis Courts Renovation at College of Alameda.

**ITEM SUMMARY:**

This resolution formally accepts the work of the contractor, Dryco Construction, Inc., as complete and provides for a retention payment. Ratification is also requested for Change Order No. 1 to the contract, in the amount of \$665, which is 0.2% of the original contract amount (\$316,925).

**BACKGROUND/ANALYSIS:**

On June 9, 2009, this Board awarded a contract to Dryco Construction, Inc. for the Tennis Courts Renovation at College of Alameda. The project entered into substantial completion on September 24, 2009, at which time the college took over beneficial occupancy. Contract completion was achieved on November 18, 2009. This resolution accepts the work as complete and provides for a retention payment of \$31,759, which is 10% of the contract price.

Ratification is also requested for Change Order No. 1 to the contract, in the total amount of \$665, which is 0.2% of the original contract amount (\$316,925). It was necessary for the contractor to perform the change order work so that the schedule would not be delayed and the sequencing of the work would not be affected. In accordance with Board Policy 6.83, approval was requested from the Chancellor for the change order work, and the items are now brought before the Board for ratification. The change order items included:

- An additional application of the color coat to provide a faster playing service on one of the courts (owner requested)
- A credit of \$55 for an alternate that was not required
- An addition of 76 days to the contract term

Approval to accept the project as complete and ratification of Change Order No. 1 are recommended.

The changes have been reviewed and approved by the project architect, the project manager and the General Services Department. It has been determined that it was in the best interests of the District and financially prudent to authorize this change order.

**ALTERNATIVES/OPTIONS:**

Not applicable.

**EVALUATION AND RECOMMENDED ACTION:**

Approval of Resolution 09/10-31, Acceptance and Retention, and Ratification of Change Order No. 1, in the amount of \$665, to the contract with Dryco Construction, Inc. for the Tennis Courts Renovation at College of Alameda is recommended.

**SOURCE OF FUNDS (AND FISCAL/BUDGETARY IMPACT):**

Measure A, as approved by the voters in Peralta's constituency and authorized under Resolution 05/06-45, Exhibit A-1, College of Alameda, "Remodeling and equipping classrooms and campus facilities."

**OTHER DEPARTMENTS IMPACTED BY THIS ACTION (E.G. INFORMATION TECHNOLOGY):**

YES \_\_\_\_\_ No  X

**COMMENTS:**

All Board recommended contracts are subject to negotiation and execution by the Chancellor.

**WHO WILL BE PRESENTING THIS ITEM AT THE BOARD MEETING?**

Vice Chancellor Ikharo

**DID A BOARD STANDING COMMITTEE RECOMMEND THE ITEM? Yes \_\_\_\_\_ No  X**

**IF "YES", PLEASE INCLUDE THAT INFORMATION IN YOUR SUMMARY.**

**PLEASE ACQUIRE SIGNATURES IN THIS ORDER:**

**DOCUMENT PREPARED BY:**

Prepared by: Sadiq B. Ikharmo Date: 12-8-09  
Dr. Sadiq B. Ikharo  
Vice Chancellor of General Services

**DOCUMENT PRESENTED BY:**

Sadiq B. Ikharmo Date: 12-8-09  
Dr. Sadiq B. Ikharo  
Vice Chancellor of General Services

**FINANCE DEPARTMENT REVIEW**

Finance review required  Finance review *not* required

If Finance review is required, determination is:  Approved  Not Approved

If not approved, please give reason: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Thomas Smith  
Vice Chancellor for Finance and Administration

**GENERAL COUNSEL (Legality and Format/adherence to Education Codes):**

Legal review required  Legal review *not* required

If Legal review is required, determination is:  Approved  Not Approved

Signature: [Signature] Date: 12/9/09  
Thuy T. Nguyen, General Counsel

**CHANCELLOR'S OFFICE APPROVAL**

Approved, and Place on Agenda  Not Approved, but Place on Agenda

Signature: [Signature] Date: 12/09/09  
Elihu Harris, Chancellor

**PERALTA COMMUNITY COLLEGE DISTRICT  
RESOLUTION 09/10-31**

**ACCEPTANCE AND RETENTION  
TENNIS COURTS RENOVATION AT COLLEGE OF ALAMEDA**

**DRYCO CONSTRUCTION, INC.**

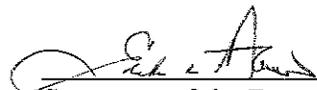
WHEREAS, DRYCO CONSTRUCTION, INC., a corporation existing under and by virtue of the laws of the State of California, the contractor under that certain contract with the Peralta Community College District, Alameda County, State of California, for all labor, materials, mechanical workmanship, transportation, equipment and services necessary for the Tennis Courts Renovation at College of Alameda, has made application for acceptance of the work; and

WHEREAS, the Architect employed by the Board to prepare plans and specifications for and to supervise the completion of said work, has certified in writing to this Board that said contractor completed the work heretofore described and has recommended to this Board the final acceptance of the project; and

NOW, THEREFORE, BE IT RESOLVED that said work of said contract be and the same is hereby accepted; and

BE IT FURTHER RESOLVED that the retention payment in the amount of THIRTY-ONE THOUSAND SEVEN HUNDRED FIFTY-NINE AND NO/100 DOLLARS (\$31,759), which is ten percent (10%) of said contract price, as modified by Change Order No. 1, shall be made thirty-five (35) calendar days from and after the filing of the Notice of Completion at the Alameda County Recorder's Office, provided no withhold notices requesting the withholding of any monies from said contractor have been filed with this Board of Trustees in accordance with the provisions of Title 15 of Part 4, Division 3, of the Civil Code of the State of California.

PASSED AND ADOPTED by the following called vote this 15th day of December, 2009. The full Board has voted in support of this resolution, unless the Board meeting minutes reflect otherwise.

  
Secretary of the Board of Trustees  
Peralta Community College District  
Alameda County  
State of California

# PERALTA COMMUNITY COLLEGE DISTRICT

Office of General Services • 333 East 8th Street Oakland, California 94606 • Phone 510/466-7200 • Fax 510/466-7315

## CHANGE ORDER NO. 1

**PROJECT:** COLLEGE OF ALAMEDA TENNIS COURTS RENOVAIONS      **DATE:** SEPTEMBER 18, 2009

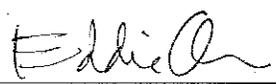
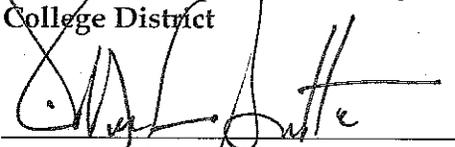
**OWNER:** Peralta Community College District  
**CONTRACTOR:** DRYCO CONSTRUCTION INC.

**DSA FILE NO.:** NA  
**DSA APP NO.:** NA  
**PCCD PROJECT #:** 2333  
**PROJECT MANAGER:** Olive CM Inc.

The Contractor is authorized to make the changes listed in the Summary and described in Change Order Attachment when this Change Order has been approved. Through acceptance of this change order, this Contractor acknowledges that it has reviewed the progress of the work related to this project and the potential impact of the added work on the progress of the project in the future. As a result, this change order includes compensation to the Contractor for any and all effects, delays, inefficiencies or similar demands associated with this project and the Contractor recognizes that there is no basis for any such claim in the future. Please note that all other terms and conditions of the contract remain unchanged and that all costs to maintain our original contract schedule with the inclusion of the adjusted scope of work as set forth by this change order are included within the lump sum change order amount stated herein.

Original Contract Sum.....	\$ 316,925.00
Net Change by previously authorized Change Orders.....	\$ 0.00
The Contract sum prior to this Change Order was.....	\$ 316,925.00
The Contract sum will be increased by this Change Order.....	\$ 665.00
The New Contract Sum including this Change Order will be.....	\$ 317,590.00
Cumulative Change Order(s) as a percentage of contract including this Change Order	0.2%
The Contract is changed by (76) Days	
Contract completion date as of this Change Order therefore is: November 18, 2009	

Summary reference attached items: P.C.O. 01 & 02 and Approval Letters listed in Item 2

<p><b>Approved:</b> Architect of Record</p>   <p style="text-align: center;"></p> <hr/> <p><b>Date:</b> 11/23/09</p>	<p><b>Approved:</b> General Contractor</p>   <p style="text-align: center;"></p> <hr/> <p><b>Date:</b></p>	<p><b>Approved:</b> Peralta Community College District</p> <p style="text-align: center;"></p> <hr/> <p><b>Director of Capital Projects</b></p> <p><b>Date:</b> 11/24/2009</p> <hr/> <p style="text-align: center;"></p> <hr/> <p><b>Vice Chancellor of General Services</b></p> <p><b>Date:</b> 12-1-09</p>
<p><b>Approved:</b> Electrical or Structural Engineer</p>   <hr/> <p><b>Date:</b></p>	<p><b>Approved:</b> Mechanical Engineer</p>   <hr/> <p><b>Date:</b></p>	<p><b>Approved:</b> Div. of the State Architect</p>   <hr/> <p><b>Date:</b></p>

# PERALTA COMMUNITY COLLEGE DISTRICT

Office of General Services • 333 East 8th Street Oakland, California 94606 • Phone 510/466-7200 • Fax 510/466-7315

## SUMMARY OF CHANGE ORDER No. 1 Attachment

**PROJECT:** COLLEGE OF ALAMEDA TENNIS  
COURTS RENOVATIONS

**DATE:** NOVEMBER 18, 2009

**DSA FILE NO.:** na

**OWNER:** Peralta Community College District  
**CONTRACTOR:** DRYCO CONSTRUCTION INC.

**DSA APP NO.:** na

**PCCD FILE NO.:** 2333

<b>1</b>	<b>PCO No. 1</b>	<b>ADD \$720.00</b> <b>ADD 76 Days</b>
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**Description:** 2-F Request by College to provide an additional application of the color coat to provide a faster playing surface to court no. 6

**Requested by:** Owner

**Reason:** College wanted to provide a faster play surface for the leasee

**DSA prelim.  
approval date:** NA

<b>2</b>	<b>PCO No. 2</b>	<b>DEDUCT \$ (55.00)</b> <b>ADD/DEDUCT 0 Days</b>
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**Description:** 2-F Credit for not using Alternate 01

**Requested by:** Owner

**Reason:** Not required by College of Alameda

**DSA prelim.  
approval date:** NA

<b>3</b>	<b>Approval Letters (No Change to Contract Amount)</b>
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Approval Letter 1  
Approval Letter 3  
Approval Letter 5

Approval Letter 2  
Approval Letter 4  
Approval Letter 6

End of Items

**PROJECT FINAL ACCEPTANCE**

PROJECT NAME: College of Alameda Tennis Courts Renovations

PROJECT NUMBER: Project 2333 – Short Term

PROJECT MANAGER: OCM Inc.

CONTRACTOR: Dryco Construction Inc.

For acceptance and approval at the Board of Trustees Meeting of:

December 15, 2009

This project is accepted and complete and approved by the College/District:

**College President**

George Henry 11/30/09  
(signature) (date)

**College Business Manager**

Joanne Gillis 11-30-9  
(signature) (date)

Recording Requested By:  
Peralta Community College District

When Recorded, Mail To:  
Office of General Services  
333 East 8th Street  
Oakland, CA 94606

For Recorder's Use

Government Code: 27383

**Peralta Community College District**  
Office of General Services  
333 East 8th Street, Oakland, California 94606  
(510) 466-7200 (510) 466-7315

**NOTICE OF COMPLETION**

OWNER: PERALTA COMMUNITY COLLEGE DISTRICT, OAKLAND CA

NATURE OF INTEREST OR ESTATE: FEE

PROJECT CONTRACT TITLE: COA TENNIS COURTS RENOVATIONS

PROJECT NUMBER: 2333

PROJECT ADDRESS: 555 RALPH APPEZZATO MEMORIAL PARKWAY, ALAMEDA, CA 94501

CONTRACTOR: DRYCO CONSTRUCTION INC.

CONTRACTOR'S ADDRESS: 42745 BOSCELL ROAD, FREMONT, CA 94538

DSA APPLICATION NUMBER: NA

CONTRACT START DATE: JUNE 23, 2009

ORIGINAL CONTRACT TIME: SEVENTY-FOUR (74) CALENDAR DAYS

CONTRACT TIME EXTENSIONS: 76 DAYS

APPROVED VIA CHANGE ORDER: CHANGE ORDER NO. 1

CONTRACT COMPLETION DATE: NOVEMBER 18, 2009

The above referenced Contract has been completed in accordance with the plans and specifications thereof, and to the satisfaction of the Peralta Community College District. The nature of the title of the stated owner is: in fee.

State of California  
County of Alameda

That he/she/they is/are the person(s) signing the above document; that He/she/they has/have read the same, and know(s) the content thereof and that the acts stated therein are true.

Sadiq B. Ikharo

(Signature of Affiant)

Dr. Sadiq Bello Ikharo  
Vice Chancellor, General Services

12-8-09

Date

I declare under penalty of perjury that the foregoing is true to the best of my knowledge.

Sadiq B. Ikharo

(Signature of Affiant)

Dr. Sadiq Bello Ikharo  
Vice Chancellor, General Services

12-8-09

Date